

## T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:	23-Feb-06	APPL. S. N:	09755245
To Examiner:	MOORE, Ian	Art Unit	2661
From	Jefferson, Henry PARALEGAL SPCEIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68

**SUBJECT:** Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program-Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,

please initial, date and return this memo to me. THANK YOU.

The T.D. is PROPER and has been recorded (see 14.23).

The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):

- The TD fee of [REDACTED] has not been submitted nor is there any authorization in the application file for the use of a deposit account
- The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
- The T.D. lacks the enforceable only during common ownership clause - needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
- The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
- The person who signed the T.D.:
  - is not an attorney "of record" (see 14.29 and 14.29.01).
  - has failed to state his/her capacity to sign for the business entity (see 14.28).
  - is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
- No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
- The T.D. is not signed (see 14.26 & 14.26.03).
- The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
- The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
- The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).

Other: [REDACTED] 

Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Log Date:

<b>Application Number</b> 	Application/Control No.  09/755,245	Applicant(s)/Patent under Reexamination  LING ET AL.
<b>Document Code - DISQ</b>		<b>Internal Document – DO NOT MAIL</b>

<b>TERMINAL DISCLAIMER</b>	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : November 21, 2005	<b>This patent is subject to a Terminal Disclaimer</b>	

<b>Approved/Disapproved by:</b>
Henry D. Jefferson

Attorney Docket No. 000441  
PATENTRECEIVED  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of

For: Method And Apparatus For  
Determining The Forward Link  
Closed Loop Power Control Set  
Point In A Wireless Packet Data  
Communication System

Ling et al.

Serial No. 09/755,245

Examiner: Ian N. Moore

Filed: January 5, 2001

Group No.: 2661

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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION  
UNDER 37 CFR §1.321(c)Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450I, Roberta A. Young, am the attorney of record for this invention. The assignee,  
QUALCOMM Incorporated, is located at 5775 Morehouse Drive, San Diego, California 92121.

## EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is the whole of this  
invention.

## CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

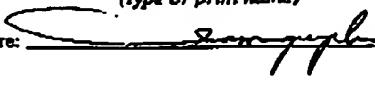
I hereby certify that this correspondence is, on the date shown below, being:

## MAILING

 deposited with the United States Postal Service  
with sufficient postage as first class mail, in an  
envelope addressed to the Commissioner for  
Patents, P.O. Box 1450, Alexandria, VA 22313-  
1450.Depositor's Name: \_\_\_\_\_  
(type or print name)

Date: November 21, 2005

## FACSIMILE

 transmitted by facsimile to the Patent and  
Trademark Office.Depositor's Name: Tram Q. Le  
(type or print name)Signature: 11/23/2005 WABBLR1 00000091 170026 09755245  
02 FC1614  
02 130.00 DR1  
Terminal Disclaimer - Granted Patent.VER1.11/16/04

PAGE 15/16 \*RCVD AT 11/21/2005 7:29:13 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-6/27 \* DNI:2738300 \* CSID:+8586515400 \* DURATION (mm:ss):03:46

**DISCLAIMER**

The terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154-156 and 173 of United States Patent No. 6,633,552 is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,633,552, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the above identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154-156 and 173 of United States Patent No. 6,633,552, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims canceled by a reexamination certificate, is reissued in any manner or are terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The Commissioner is hereby authorized to charge payment of the Terminal Disclaimer Fee of \$130.00 under 37 CFR § 1.20(d) and any additional fees which may be required, or credit any overpayment, to Deposit Account No. 17 - 0026. A duplicate of this sheet is enclosed for charge purposes.

Respectfully submitted,

Dated: November 21, 2005

By: Roberta A. Young  
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